

Founded in 1852
by Sidney Davy Miller



Derek G. Raymond
TEL +1.313.496.7536
FAX +1.313.496.8453
E-MAIL raymond@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL (313) 496-7536
FAX (313) 496-8453
millercanfield.com

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By ECF

Hon. Paul A. Engelmayer
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

December 29, 2023

RE: *Carl Zeiss Industrial Metrology, LLC v. Oakland Automation, LLC* || 1:23-cv-05169-PAE

Dear Judge Engelmayer:

We represent the Plaintiff Carl Zeiss Industrial Metrology, LLC ("Plaintiff") as co-counsel (*pro hac vice* motion forthcoming) and write to respectfully request an additional ten (10) days to file Plaintiff's motion for a default judgment to and including January 8, 2024. This is Plaintiff's third and final request for an extension of time, which, if granted will result in a total extension of 27 days from the original deadline.

This Court issued an order requiring Plaintiff to show cause why this claim should not be dismissed, noting that Plaintiff may show cause by filing a timely and proper motion for a default judgment, which, at the request of counsel, was previously extended to and including today's date.

Plaintiff has been and continues to work diligently to complete the declarations and materials required under the Court's Rules to provide a complete record to support Plaintiff's proposed damages, interest, and attorneys' fees award sought through the date of filing a proper motion for a default judgment. Unfortunately, compiling the required materials has taken longer

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than anticipated in Plaintiff's previous request for an extension and has been further delayed due to the holiday.

We therefore request an additional ten (10) days, through and including January 8, 2024, to complete the required submission. Should the Court grant this request, Plaintiff agrees not to seek a further extension and will either complete its motion or withdraw its claim on January 8, 2024. With the benefit of hindsight, the undersigned should have initially sought a single thirty (30) day extension to allow sufficient time to complete its motion and avoid the most recent delay due to the holiday.

Plaintiff therefore respectfully requests an additional ten (10) days to file its Motion for Default Judgment, up to and including January 8, 2024.

Respectfully submitted,

Miller, Canfield, Paddock and Stone, P.L.C.

/s/ Derek G. Raymond
Derek G. Raymond
150 W. Jefferson, Suite 2500
Detroit, MI 48226
Phone: (313) 496-7536
raymond@millercanfield.com
(Pro Hac Vice Forthcoming)

Holwell Shuster & Goldberg LLP

/s/ Scott M. Danner
Scott M. Danner
425 Lexington Avenue 14th Floor
New York, NY 10017
Telephone: (646) 837-5151
Fax: (646) 837-5150
sdanner@hsgllp.com

Dated: December 29, 2023

Granted. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
January 2, 2024